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Attorneys for Debtors

09-02699-A

COMPLAINT
PLAINTIFF: DON MILLER
DEFENDANT: DEEPAK TEJPAL
JUDGE: HON. M. MCMAHUS
RELATED CASE: 09-35405

FILED 10/30/09 - 1:24 PM
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION msus



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re)	Bankruptcy No. 2009-35405-A-7
)	Chapter 7
DEEPAK TEJPAL, SUREKHA TEJPAL,)	
)	Adversary No.
<u>Debtor.</u>)	
)	<u>COMPLAINT OBJECTING TO</u>
DON MILLER, JANICE MILLER,)	<u>DISCHARGE OF DEBT</u>
)	(11 U.S.C. 522(a)(6))
Plaintiffs,)	
)	
vs.)	
)	
DEEPAK TEJPAL, SUREKHA TEJPAL,)	
)	
<u>Defendants.</u>)	

Creditors DON MILLER, JANICE MILLER (hereinafter "Plaintiffs") hereby
alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter, which is a core proceeding, by virtue of 28 U.S.C. 157 and 1334 of Title 28 of the United States Code.
2. Venue in this Court is proper pursuant to 28 U.S.C. Section 1409.
3. This matter is properly brought as an adversary proceeding pursuant to Rules 7001 (4) (6) of Federal Rules of Bankruptcy Procedure.

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GENERAL ALLEGATIONS

4. Plaintiffs DEEPAK TEJPAL and SUREKHA TEJPAL (the "Debtors") filed a voluntary petition in bankruptcy herein pursuant to Chapter 7 on July 24, 2009.

5. On or about January 13, 2009, Plaintiffs obtained an Order for restitution against Debtors in the amount of \$23,075.93, based upon a residential burglary and vandalism charge involving Debtors' minor son. A copy of the restitution order is attached hereto as Exhibit "A".

6. On or about May 13, 2009, Plaintiffs filed a Civil Complaint against Defendants based upon the restitution Order described in Paragraph 5 hereinabove, described as San Joaquin County Superior Court case no. 39-2009-00211705-CL-PO-STK. Plaintiffs subsequently obtained a judgment therein for the Court-ordered restitution of \$23,075.93, together with court costs of \$505.00, for a total judgment of \$23580.93. A copy of said Judgment is attached hereto as Exhibit "B".

7. The debt owed to Plaintiffs was a result of the willful, malicious and criminal actions of Debtors and their minor son, for which this debt can be determined to be no dischargeable pursuant to 11 U.S.C. 523(a)(6).

7. Plaintiffs and Debtors have entered into a Stipulation herein for entry of an Order concerning Debtors' Chapter 7 bankruptcy proceeding and this debt, barring Debtors from discharging the hereinabove-described debt to Plaintiffs.

WHEREFORE, Plaintiffs pray:


1. That this Court approve the Stipulation between Plaintiffs and Debtors and enter an Order determining the debt owed by Debtors to Plaintiffs DON MILLER and JANICE MILLER to be no dischargeable pursuant to 11 U.S.C. 523(a)(6); and

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2. For such other and further relief as this Court may deem just and proper.

Dated:

RUBINGER & RUBINGER


KAREN L. RUBINGER
Attorney for Debtors